IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19167 of 2000

Between:

K. Nagabhushanam S/o. Nageswara Rao
(discharging the duties of Steno Typist), I Addl. Junior Civil Judge's Court,
Bhimavaram R/o. Sriramapuram, Bhimavaram, West Godavari District - 534 201.

..... PETITIONER

AND

1 The Registrar (Administration) High Court of Andhra Pradesh, High Court Buildings,

Hyderabad.
2 The District Judge, West Godavari District, Eluru 534 006.
3 Smt. M. Nagaratnam, Court of Junior Civil Judge-cum-
Judicial Magistrate of I Class, Palakole, West Godavari District.
4 Smt. M. Anjana Devi, Head Clerk, Court of Junior Civil Judge-cum-
Judicial Magistrate of I Class, Chintalapudi, West Godavari District.
5 Sri. Ch. Srihari, Head Clerk, I Addl. Junior Civil Judge's Court,
Kovvur, West Godavari District.
6 Smt. Venkata Lakshmi, Head Clerk (I Addl. Junior Civil judge's Colurt Kovvur)
on deputation to District Court, West Godavari District, Eluru.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ, more particularly one in the nature of Writ of

Mandamus declaring the action of 2nd respondent in issuing the impugned proceedings vide order dated 05.6.2000, Dis.no.772 dated 08.6.2000 of the District Court, West Godavari, Eluru in promoting respondents no. 3 to 5 and the subsequent proceedings promoting the 6th respondent to the post of Head Clerk in category-3 of Division IV of A.P.Judicial Ministerial Service, ignoring the petitioner's legitimate claims and eligibility for promotion to the post of Head Clerk, as arbitrary and illegal, unjust, unfair and unreasonable, discriminatory and violative of the principles of natural justice and offending against Articles 14 and 21 of the Constitution of India and to issue a consequential direction to the 2nd respondent to promote the petitioner to the post of Head Clerk in category-3 of Division IV of A.P.Judicial Ministerial Service reverting the junior most viz, respondent no.6, with all consequential service benefits and pass such other order(s) which this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.S.UDAYACHALA RAO & MUJIB KUMAR S.

Counsel for the Respondents : MR.C.V.NAGARJUNA REDDY (SC FOR HIGH COURT OF A.P.)

The Court made the following :

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ORDER : (Per Hon'ble Bilal Nazki, HACJ)

Heard learned Counsel for the parties.

The case of the petitioner is that he should have been considered for promotion on 05.06.2000 when respondents No.3 to 5 were promoted. He was however considered for promotion subsequently, but had a right to be promoted on 30.01.2001. The learned Counsel appearing for the respondents submit that on 05.06.2000 the petitioner was not selected because an enquiry report had been submitted by the concerned officer in the enquiry being conducted against the petitioner, finding him guilty. In this view of the matter, we feel that let a representation be made by the petitioner to the concerned District Judge, who may, after hearing the petitioner and respondents No.3 to 5, pass appropriate orders in accordance with law.

Writ Petition is accordingly disposed of. No order as to costs.

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BILAL NAZKI, HACJ

5th April 2005.

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Dr. G.YETHIRAJULU, J

ajr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Registrar (Administration) High Court of Andhra Pradesh, High Court Buildings,

Hyderabad.
2 The District Judge, West Godavari District, Eluru 534 006.
3 Two C.D. copies.

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